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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,887	09/30/2003	Sachin G. Deshpande	SLA1385	6795
50735	7590	12/27/2007	EXAMINER	
MADSON & AUSTIN 15 WEST SOUTH TEMPLE SUITE 900 SALT LAKE CITY, UT 84101			RYAN, PATRICK A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,887

Applicant(s)

DESHPANDE, SACHIN G.

Examiner

PATRICK A. RYAN

Art Unit

4126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-60 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 1/5/2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Inventor's Patent Application.
6) ☐ Other: _____

DETAILED ACTION

1. This is the First Action based on the 10/675887 application filed September 30, 2003. As originally filed, Claims 1-60 are presented for examination.

Specification

2. The attempt to incorporate subject matter into this application by reference to co-pending US Patent Application titled: "Systems and Methods for Enhanced Navigation of Streaming Video" (as cited by the Applicant in Paragraph [62]) is ineffective because an identification number such as: an Attorney Docket Number, a Serial Number, or an Application Number has not been provided. In order for the Examiner to consider the subject matter of the reference an identification number is requested.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claims 1-30, of which Claims 1 and 20 are independent, recite or depend upon a method that is contained in a "client". It is unclear to the Examiner as to the specific nature (a user?, a system?, a location?) of the "client." The Examiner, for the purpose of this Office Action, will interpret the "client" to be a system that is executing the method as recited. Clarification is requested in reference to the nature of the "client" and the Examiner suggests the following possible solution: "A client side system executing a method for..."

6. Claims 31-60 recite a "set of executable instructions" in terms of functional language, in the form of a method, but these claims do not recite a statutory category of invention (process, machine, manufacture, or composition of matter) and therefore merely recite functional descriptive language. Claims pertaining to the "set of executable instructions" are not recited as part of a computer readable medium or as executed by a computer/system and are therefore non-statutory subject matter. Claims 31-60 must be drafted in terms of a statutory category of invention in order to be considered patentable subject matter.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8, 10, 14, 16-26, and 28 are rejected under 35 U.S.C 102(b) as being anticipated by Logan, US Patent Application Publication (2002/0120925 A1).
9. In regards to Claim 1, in a client Logan teaches a method for providing playlist functionality, comprising: receiving a video (as disclosed in Paragraph [0048]), displaying the video on a display device (TV screen, as disclosed in Paragraph [0217]), receiving a user designation of a video segment from the video (user created bookmarks, as disclosed in Paragraph [0173], with further reference to Paragraphs [0053], [0061], and [0065]), and adding the video segment to a playlist (as disclosed in Paragraph [0262] Lines 8-12, and "scrapbook" function a disclosed in Paragraph [0268]).
10. In regards to Claim 2, Logan teaches a method wherein the video is streamed from a server (Broadcast Programming Source 100 of Figure 1, as described in Paragraph [0048]).
11. In regards to Claim 3, Logan teaches a method wherein the video is stored on the client side (storage unit 143, as described in Paragraph [0049]).
12. In regards to Claim 4, Logan teaches a method wherein the video is available remotely via file sharing ("central server location" with "peer-to-peer connection" as disclosed in Paragraph [0224]).
13. In regards to Claim 5, Logan teaches a method wherein the playlist is stored on the client ("metadata stored at 133" of Figure 1 as disclosed in Paragraph [0263]).

14. In regards to Claim 6, Logan teaches a method wherein the playlist is stored on the server (playlists generated/uploaded at central server and stored at 117 of Figure 1, as disclosed in Paragraph [0271]).

15. In regards to Claim 7, Logan teaches a method further comprising receiving user input to determine whether the video segment is added to a new playlist or to an existing playlist (segment tag functions as disclosed in Paragraph [0206]).

16. In regards to Claim 8, Logan teaches a method wherein adding the video segment to the playlist comprises: generating display instructions for displaying the video segment ("scheduling file of metadata" as disclosed in Paragraph [0262] Lines 8-12), and adding the display instructions to the playlist ("The metadata may included a playlist..." as disclosed in Paragraph [0263] Lines 3-5).

17. In regards to Claim 10, Logan teaches a method wherein receiving the user designation of the video segment comprises: receiving a first user indication of a beginning portion of the video segment, wherein the first user indication is received when the beginning portion is played on the display device; and receiving a second user indication of an ending portion of the video segment, wherein the second user indication is received when the ending portion is played on the display device ("provid[ing] with the ability to independently select different beginning and end points of the video and audio segments" as disclosed in Paragraph [0065] and "users [ability] to create their own bookmarks... as they watch the programming" as disclosed in Paragraph [0173], with further reference to the disclosed "scissors" tool used in combination with the "scrapbook" function as described in Paragraph [0206] Lines 17-27).

18. In regards to Claim 14, Logan teaches a method further comprising playing the video segment in response to a user request ("preprogrammed preview" (Lines 1-5) and "snippets which are viewed or listened to during the playlist navigation" (Lines 12-16) as disclosed in Paragraph [0265]).

19. In regards to Claim 16, Logan teaches a method wherein playing the video segment comprises retrieving at least a portion of the video segment in parallel with playing a previous video segment in the playlist ("different program streams played concurrently", which is used to aid the user in editing selected program content, as disclosed in Paragraph [0264]).

20. In regards to Claim 17, Logan teaches a method wherein the amount of the video segment to be retrieved in parallel is determined by the client while creating the playlist (user designation of "preferred session length for the playlist" as disclosed in Paragraph [0274]).

21. In regards to Claim 18, Logan teaches a method wherein the amount of the video segment to be retrieved in parallel is determined by the client after requesting information from the server ("searchable database... which user may use to select a list of desired programming" as disclosed in Paragraph [0275]) and while creating the playlist (user designation of "preferred session length for the playlist" as disclosed in Paragraph [0274]).

22. In regards to Claim 19, Logan teaches a method wherein information about the amount of the video segment to be retrieved in parallel is stored in the playlist ("log file"

data, which “identifies what, when, and how the user previously played” as described and disclosed in Paragraph [0272]).

23. In regards to Claim 20, Logan teaches a client that is configured to provide playlist functionality (elements 133, 135, 141, 143, 145, 147, 151, 153, 161, 163, 171, 180, 190 make up the client side system, specifically elements 135 and 180 are used to edit and organize an incoming media program, as described in Paragraph [0053]), comprising: a stream reception component configured to receive a video (communications pathway 130 or broadcast programming signal receiver 141, as described in Paragraph [0048]); a segment designation component configured to receive a user designation of a video segment from the video (local edit controls at element 135 as disclosed in Paragraph [00054]); and a playlist management component configured to add the video segment to the playlist (selection/discard process of element 171 as described in Paragraph [0140]).

- 24. The limitations of Claim 21 have been addressed with reference to Claim 2.
- 25. The limitations of Claim 22 have been addressed with reference to Claim 3.
- 26. The limitations of Claim 23 have been addressed with reference to Claim 4.
- 27. The limitations of Claim 24 have been addressed with reference to Claim 5.
- 28. The limitations of Claim 25 have been addressed with reference to Claim 6.
- 29. The limitations of Claim 26 have been addressed with reference to Claim 7.
- 30. The limitations of Claim 28 have been addressed with reference to Claim 10.

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claim 9, 27, 31-40, 42 and 44-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, US Patent Application Publication (2002/0120925 A1) in view of Sull et al., US Patent Application Publication ("Sull", 2002/0069218 A1) and in further view of Rutledge ("SMIL 2.0, XML for Web Multimedia", IEEE Internet Computing, Sep-Oct 2001).

33. In regards to Claim 9, 31, 45, and 53 Logan teaches method of creating a playlist, but does not teach a computer executable instructions used to create the playlist.

In a similar field of invention, Sull teaches a method of enabling users to add bookmarks to multimedia files. These bookmarks define segments in the selected multimedia file. Sull further discloses a method of "making a play list for playback of a composing segment" (in reference to Figure 35, as described in Paragraphs [0471-0473]). Sull's method is implemented using the Extensible Markup Language (XML), but Sull does not teach implementing the method using Synchronized Multimedia Integration Language (SMIL).

It is well known in the art that SMIL markup language is based in and built upon the XML markup language, and both languages can be used to create multimedia presentations. Rutledge's article "SMIL 2.0, XML for Web Multimedia", published in IEEE Internet Computing discloses the benefits of SMIL in comparison to XML:

"SMIL's foremost contribution to Web formats is its sense of timing. Without SMIL, XML-defined Web presentations are static: Users can move displays using the scroll bar and switch between them using hyperlinks, but each presentation is itself unchanging. With SMIL, XML presentations change over time, with or without user interaction. This applies to more than just SMIL presentations; developers have added SMIL timing constructs to other XML-based formats as well." (as found in the **Timing** section Pages 79-81)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Logan's method of creating a playlist with Sull's method of bookmarking multimedia segments using the XML markup language because XML is an adaptable and widely accepted programming language for multimedia applications. In view of Rutledge's article, it would also have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Sull to use the SMIL markup language because of the increased versatility and dynamic display properties available.

34. The limitations of Claim 27 have been addressed with reference to Claim 9.
35. The limitations of Claim 32 have been addressed with reference to Claim 9.
36. The limitations of Claim 33 have been addressed with reference to Claim 8 and Claim 9.
37. The limitations of Claim 34 have been addressed with reference to Claim 9 and Claim 2.

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38. The limitations of Claim 35 have been addressed with reference to Claim 9 and Claim 3.

39. The limitations of Claim 36 have been addressed with reference to Claim 9 and Claim 4.

40. The limitations of Claim 37 have been addressed with reference to Claim 9 and Claim 5.

41. The limitations of Claim 38 have been addressed with reference to Claim 9 and Claim 6.

42. The limitations of Claim 39 have been addressed with reference to Claim 9 and Claim 7.

43. The limitations of Claim 40 have been addressed with reference to Claim 9 and Claim 10.

44. The limitations of Claim 42 have been addressed with reference to Claim 9 and Claim 14.

45. The limitations of Claim 44 have been addressed with reference to Claim 9 and Claim 16.

46. The limitations of Claim 46 have been addressed with reference to Claim 9 and Claim 2.

47. The limitations of Claim 47 have been addressed with reference to Claim 9 and Claim 3.

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48. The limitations of Claim 48 have been addressed with reference to Claim 9 and Claim 4.

49. The limitations of Claim 49 have been addressed with reference to Claim 9 and Claim 5.

50. The limitations of Claim 50 have been addressed with reference to Claim 9 and Claim 6.

51. The limitations of Claim 51 have been addressed with reference to Claim 9 and Claim 7.

52. The limitations of Claim 52 have been addressed with reference to Claim 9.

53. The limitations of Claim 54 have been addressed with reference to Claim 9 and Claim 2.

54. The limitations of Claim 55 have been addressed with reference to Claim 9 and Claim 3.

55. The limitations of Claim 56 have been addressed with reference to Claim 9 and Claim 4.

56. The limitations of Claim 57 have been addressed with reference to Claim 9 and Claim 5.

57. The limitations of Claim 58 have been addressed with reference to Claim 9 and Claim 6.

58. The limitations of Claim 59 have been addressed with reference to Claim 9 and Claim 7.

59. The limitations of Claim 60 have been addressed with reference to Claim 9.

60. Claims 11, 12, 13, 29, 30, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, US Patent Application Publication (2002/0120925 A1) in view of Sull et al., US Patent Application Publication ("Sull", 2002/0069218 A1).

61. In regards to Claims 11, Logan teaches method of creating a playlist comprising a user's indication of the beginning portion and the ending portion of a video segment where the indication is received when each portion is played ("provid[ing] with the ability to independently select different beginning and end points of the video and audio segments" as disclosed in Paragraph [0065] and "users [ability] to create their own bookmarks... as they watch the programming" as disclosed in Paragraph [0173], with further reference to the disclosed "scissors" tool used in combination with the "scrapbook" function as described in Paragraph [0206] Lines 17-27), but does not teach a method of receiving a first user indication of the beginning portion of a video segment after the beginning portion is displayed.

In a similar field of invention, Sull teaches a method of rewinding an interrupted multimedia broadcast using a scene change detection algorithm (shown in Figure 57, as described in Paragraphs [0304-0309]). Sull's method retains a list of scene change frames (5610, 5612, 5618, 5620, and 5622 of Figure 56, as described in Paragraph [0302]) as well as information regarding the termination or marked position (5628 of Figure 56, as described in Paragraph [0302]). The bookmarking of a desired media

segment is performed in Steps 5712 and 5716 of Figure 57, wherein the termination point or interruption point is the first bookmark created by the user and the second bookmark selected by the user is from one of the scene change frames (the starting portion of the desired video segment).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Logan's playlist method with the method of rewinding an interrupted multimedia broadcast as disclosed by Sull because a user watching a multimedia broadcast can potentially be interrupted multiple times throughout the program and may require a review of the events prior to the interruption in order to obtain a thorough understating of the events leading up to the interruption.

62. In regards to Claim 12 and 13, Logan teaches method of creating a playlist that consists of video segments, but does not teach receiving the first user indication (from Claim 11) further comprises displaying a navigation video strip on the display device, wherein the navigation video strip comprises a plurality of frames from the video; and receiving a user selection of a frame from the plurality of frames, wherein the frame substantially corresponds to the beginning portion of the video segment.

In a similar field of invention, in a similar field of invention Sull teaches a method of rewinding an interrupted multimedia broadcast using a scene change detection algorithm (shown in Figure 57, as described in Paragraphs [0304-0309]). Sull's method retains a list of scene change frames (5610, 5612, 5618, 5620, and 5622 of Figure 56, as described in Paragraph [0302]). In addition, the user has the ability to select one of the scene change frames that substantially corresponds to the beginning portion of the

video segment (block 5716 of Figure 57, with further reference to the user interface of Figure 9; as described in Paragraphs [205] and [206]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Logan with the method of Sull because a visual interface would be advantageous to the user in order to quickly scan and understand a summary or sequence of events to determine if the program content is desirable enough to watch and/or save for later viewing (as disclosed by Logan in Paragraph [0231] in reference to "snippets").

63. The limitations of Claim 29 have been addressed with reference to Claim 11.
64. The limitations of Claim 30 have been addressed with reference to Claim 12.
65. The limitations of Claim 41 have been addressed with reference to Claim 11 and Claim 9.

66. Claims 15 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, US Patent Application Publication (2002/0120925 A1); in view of Shu-Ching "A Multimedia Semantic Model for RTSP-Based Multimedia Presentation Systems" IEEE Fourth International Symposium on Multimedia Software Engineering (2002).
67. In regards to Claim 15, Logan teaches method of creating a playlist that consists of video segments, but does not teach this method to be implemented using the Real-time Streaming Protocol (RTSP) in order to play the video segment.

In a similar field of invention, Shu-Ching discloses a set of methods to support "VCR-like" controls on the client side so that the users have the ability to control the playback of a streaming media program using RTSP (Section 3.1, RTSP Action Diagram; see Page 4). In addition, Shun-Ching discloses the benefits of using RTSP over other protocols such as Hypertext Transport Protocol. The benefits of RTSP include: the ability to handle multiple real-time media streams; two way communication between the server and the client; and overall flexibility of the protocol (Section 3.1, RTSP Action Diagram; see Page 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Logan with the method of Shu-Ching in order to provide the user with a means for controlling a streaming media program using "VCR-like" functions. In addition, the two way communications channel provided by RTSP would allow the user to interact with the server system through the uplink path and therefore would have greater control over the presentation of streaming media.

68. The limitations of Claim 43 have been addressed with reference to Claim 15.

Conclusion

69. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art

disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

70. US Patent Number (6,670,966 B1) Kusanagi, discloses an apparatus and method that allow a user to create "editing lists." These editing lists can specify which media clips should be combined and how the combination is to be performed. Media segmentation is performed by the user based on the user's reaction to the media segment.

71. US Patent Number (6,711,741 B2) Yeo, teaches a method and apparatus of previewing and playing back source video frames. The user has the ability to browse video by chapter segments and is provided with a thumbnail preview of a segment, based on a first and second point definition.

72. US Patent Application Publication (2003/0122966) Markman et al., teaches a system and method for customized media playback. A point in a streaming video program is "bookmarked" based on the user's designation of a desirable or undesirable event.

73. US Patent Application Publication (2004/0128317) Sull et al., teaches a method and apparatus for browsing and bookmarking video programs. A thumbnail preview is provided to the user with highlighted key frames corresponding to the bookmarked segments of video.

74. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Ryan whose telephone number is (571) 270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

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75. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

76. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick A Ryan/
Examiner, Art Unit 4126
Thursday, December 27, 2007

/Dennis-Doon Chow/
Supervisory Patent Examiner, Art Unit 4126